

House File 632

H-1222

1 Amend House File 632 as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I
4 VARIOUS PROVISIONS INVOLVING INSURANCE AND THE
5 INSURANCE DIVISION>

6 2. Page 23, after line 30 by inserting:

7 <DIVISION II
8 TELEHEALTH COVERAGE

9 Sec. ____ . LEGISLATIVE FINDINGS. The general
10 assembly finds and recognizes all of the following:

11 1. Access to health care facilities and health care
12 professionals is critically important to the citizens
13 of Iowa.

14 2. Telehealth uses electronic technology to
15 overcome a geographic distance between patients and
16 health care providers for the purpose of intervention,
17 clinical management, or assessing, monitoring, or
18 educating patients.

19 3. The provision of telehealth results in
20 demonstrated cost-effectiveness, improvements in
21 disease management, and improved patient outcomes and
22 studies by the American telemedicine association and
23 others have demonstrated significant reductions in
24 hospitalizations and otherwise necessary medical care
25 as a result of telehealth intervention.

26 4. Geography, weather, availability of specialists,
27 transportation, and other factors can create barriers
28 to accessing appropriate health care, including
29 behavioral health care, and one way to provide, ensure,
30 or enhance access to care given these barriers is
31 through the appropriate use of technology to allow
32 health care consumers access to qualified health care
33 professionals.

34 5. Additionally, the utilization of telehealth
35 will further the maintenance and improvement of the
36 physical and economic health of patients in medically
37 underserved communities by retaining the source of
38 health care in local areas, strengthening the health
39 infrastructure, and preserving health-care-related
40 jobs.

41 6. A need exists in this state to embrace efforts
42 that will encourage health insurers and health care
43 professionals to support the use of telehealth and that
44 will also encourage all state agencies to evaluate and
45 amend their policies and rules to remove any regulatory
46 barriers prohibiting the use of telehealth.

47 7. Recognition exists that the full potential of
48 delivering health care services through telehealth
49 cannot be realized without the assurance of payment and
50 the resolution of existing legal and policy barriers

1 to such payment.

2 8. The purpose of the Iowa telehealth Act is to
3 provide a framework for health care professionals to
4 utilize in providing telehealth to Iowans in a manner
5 that provides efficient and effective access to quality
6 health care.

7 Sec. ____ . NEW SECTION. 147B.1 Title.

8 This chapter shall be known and may be cited as the
9 "*Iowa Telehealth Act*".

10 Sec. ____ . NEW SECTION. 147B.2 Definitions.

11 As used in this chapter, unless the context
12 otherwise requires:

13 1. "*Distant site*" means the site at which a health
14 care professional delivering the service is located at
15 the time the telehealth service is provided.

16 2. "*Health care professional*" means a person who
17 is licensed, certified, or otherwise authorized or
18 permitted by the law of this state to administer health
19 care in the ordinary course of business or in the
20 practice of a profession, or in an approved education
21 or training program, as long as the person is operating
22 within the person's professional scope of practice.

23 3. "*Remote patient monitoring*" means using
24 telehealth to enable the health care professional to
25 monitor and manage a patient's medical, functional, and
26 environmental needs if such needs can be appropriately
27 met through telehealth intervention.

28 4. "*Store-and-forward telehealth*" means the use of
29 asynchronous communications between a patient and a
30 health care professional or between a referring health
31 care professional and a medical specialist at a distant
32 site, supported by telecommunications technology for
33 the purpose of diagnosis, consultation, treatment, or
34 therapeutic assistance in the care of the patient,
35 including the transferring of medical data from one
36 site to another through the use of a camera or similar
37 device that records or stores an image that is sent or
38 forwarded via telecommunications to another site for
39 consultation.

40 5. "*Telehealth*" means the use of real-time,
41 interactive audio or video telecommunications or
42 electronic technology, remote patient monitoring,
43 or store-and-forward telehealth by a health care
44 professional to deliver health care services to a
45 patient within the scope of practice of the health
46 care professional, for the purposes of diagnosis,
47 consultation, treatment, transfer of medical data,
48 or exchange of medical education information.
49 "*Telehealth*" does not include an audio-only telephone
50 call, electronic mail message, or facsimile

1 transmission.

2 Sec. ____ . NEW SECTION. 147B.3 Telehealth.

3 1. A health care professional, as appropriate to
4 the scope of practice of the profession, may employ
5 the technology of telehealth by applying telehealth
6 within the professional's scope of practice or by
7 using telehealth technology under the direction and
8 supervision of another health care professional who
9 is using telehealth technology within the supervising
10 professional's scope of practice. A health care
11 professional's employment of telehealth acting under
12 the direction and supervision of another health care
13 professional who is using telehealth within that
14 health care professional's scope of practice shall
15 not be interpreted as practicing the supervising
16 professional's health care profession without a license
17 or appropriate authorization. However, any health care
18 professional employing telehealth must hold a current
19 valid license or appropriate authorization to practice
20 the respective profession in the state and be trained,
21 educated, and knowledgeable regarding the health care
22 service provided and technology used and shall not
23 perform duties for which the professional does not have
24 sufficient training, education, and knowledge. Failure
25 to have sufficient training, education, and knowledge
26 is grounds for disciplinary action by the respective
27 board or regulatory authority.

28 2. The applicable board or regulatory authority
29 that exercises regulatory or rulemaking authority
30 over an affected profession under this chapter, or the
31 department in the absence of an applicable board or
32 regulatory authority, shall adopt rules to administer
33 this chapter.

34 3. The standard of care for a professional using
35 telehealth to provide health care services to a patient
36 shall be the same as the standard of care required of
37 that professional for the provision of in-person health
38 care services to a patient.

39 4. The type of setting where telehealth is provided
40 for the patient or by the health care professional
41 shall not be limited if the delivery of health care
42 services is appropriately provided through telehealth.

43 5. This chapter shall not be construed to conflict
44 with or supersede provisions otherwise applicable
45 to the licensure or regulation of health care
46 professionals.

47 6. This chapter shall not be construed to alter
48 the scope of practice of any health care professional,
49 authorize the delivery of health care services in a
50 setting or manner not otherwise authorized by law, or

1 limit a patient's right to choose in-person contact
2 with a health care professional for the delivery of
3 health care services for which telehealth is available.

4 7. If a health care professional provides services
5 pursuant to and in compliance with section 135.24
6 via telehealth in accordance with this chapter, the
7 provisions of section 135.24 including those relating
8 to immunity from civil liability shall apply to such
9 health care professional.

10 Sec. ____ . NEW SECTION. 514C.30 Telehealth.

11 1. Notwithstanding the uniformity of treatment
12 requirements of section 514C.6, a contract, policy, or
13 plan providing for third-party payment or prepayment
14 for health, medical, or surgical coverage benefits may
15 provide coverage for services provided as telehealth if
16 the services would be covered if provided in person.
17 Coverage for telehealth shall reflect generally
18 accepted health care practices and standards, as well
19 as medical care management requirements applicable to
20 in-person services.

21 2. If health care coverage is provided for
22 telehealth under this section, all of the following
23 shall apply:

24 a. This section shall not be interpreted as
25 preventing a third-party payment provider from imposing
26 deductibles or copayment or coinsurance requirements
27 for a health care service provided through telehealth
28 if the deductible, copayment, or coinsurance does
29 not exceed the deductible, copayment, or coinsurance
30 applicable to in-person consultation for the same
31 health care service. A third-party payment provider
32 shall not impose annual or lifetime maximums on
33 coverage of telehealth unless the annual or lifetime
34 maximum applies in the aggregate to all items and
35 services under the contract, policy, or plan.

36 b. This section shall not be interpreted to require
37 a third-party payment provider to provide reimbursement
38 for a health care service that is not a covered benefit
39 or to reimburse a health care professional who is not a
40 covered provider under the contract, policy, or plan.

41 c. This section shall not be interpreted to
42 preclude a third-party payment provider from performing
43 utilization review to determine the appropriateness of
44 telehealth in the delivery of health care services if
45 the determination is made in the same manner as those
46 regarding the same health care service when delivered
47 in person.

48 d. This section shall not be interpreted to
49 authorize a third-party payment provider to require the
50 use of telehealth when the health care professional

1 determines use of telehealth is not appropriate.

2 e. The provisions of this section shall apply to
3 all of the following classes of third-party payment
4 provider contracts, policies, or plans delivered,
5 issued for delivery, continued, or renewed in this
6 state on or after January 1, 2016:

7 (1) Individual or group accident and sickness
8 insurance providing coverage on an expense-incurred
9 basis.

10 (2) An individual or group hospital or medical
11 service contract issued pursuant to chapter 509, 514,
12 or 514A.

13 (3) An individual or group health maintenance
14 organization contract regulated under chapter 514B.

15 (4) An individual or group Medicare supplemental
16 policy, unless coverage pursuant to such policy is
17 preempted by federal law.

18 (5) A plan established pursuant to chapter 509A for
19 public employees.

20 f. This section shall not apply to accident-only,
21 specified disease, short-term hospital or medical,
22 hospital confinement indemnity, credit, dental, vision,
23 long-term care, basic hospital, and medical-surgical
24 expense coverage as defined by the commissioner,
25 disability income insurance coverage, coverage issued
26 as a supplement to liability insurance, workers'
27 compensation or similar insurance, or automobile
28 medical payment insurance.

29 3. The commissioner of insurance shall adopt rules
30 pursuant to chapter 17A as necessary to administer this
31 section.

32 4. For the purposes of this section, "*health care*
33 *professional*" and "*telehealth*" mean as defined in
34 section 147B.2, as enacted in this Act.

35 Sec. ____ . MEDICAID PROGRAM — REIMBURSEMENT FOR
36 TELEHEALTH. The department of human services shall
37 adopt rules to provide for coverage of telehealth under
38 the Medicaid program. The rules shall provide that
39 in-person contact between a health care professional
40 and a patient is not required as a prerequisite for
41 payment for services appropriately provided through
42 telehealth in accordance with generally accepted
43 health care practices and standards prevailing in the
44 applicable professional community at the time the
45 services are provided. Health care services provided
46 through in-person consultations or through telehealth
47 shall be treated as equivalent services for the
48 purposes of reimbursement. As used in this section,
49 "health care professional" and "telehealth" mean as
50 defined in section 147B.2, as enacted in this Act.

1 Sec. ____ . STUDY ON USE OF TELEHEALTH. The
2 department of public health, in collaboration with
3 the department of human services, shall convene and
4 conduct a study regarding options for implementing
5 telehealth and telehealth coverage and reimbursement.
6 The division of insurance of the department of commerce
7 shall be available for consultation as needed. The
8 department of public health shall submit a final report
9 of its findings and recommendations to the governor and
10 the general assembly by December 15, 2015.>
11 3. Title page, line 2, after <commerce> by
12 inserting <and involving insurance coverage of
13 telehealth, including professional licensure and
14 reimbursement under the medical assistance program,>
15 4. Title page, line 3, after <effective> by
16 inserting <and applicability>
17 5. By renumbering as necessary.

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